

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

PAUL REID,

Defendant

Crim. No. ELH-12-0251

---

**MOTION AND MEMORANDUM IN SUPPORT OF MOTION  
TO COMPEL PRODUCTION OF VOICE EXEMPLARS**

Comes now the United States of America by its counsel, Rod J. Rosenstein, United States Attorney for the District of Maryland, and Peter M. Nothstein, Assistant United States Attorney for said District, and moves this Honorable Court for an order directing the instant Defendant to supply a voice exemplar as directed by agents of the Drug Enforcement Administration or agents of other law enforcement organizations working in conjunction with that agency. In support of this motion the government says as follows:

1. A grand jury for the District of Maryland indicted the instant Defendant in the above-captioned matter.
2. The evidence in this case is comprised in significant part of intercepted oral and wire communications. Evidence pertaining to proof of the defendant's voice and identity is material and relevant to the presentation of the government's case-in-chief. Voice exemplars can be used as a standard of comparison, if necessary, to determine the identity of a particular participant overheard in a conversation. The government intends to coordinate the taking of exemplars with the schedule of the defendant and counsel, and expects counsel to be present if he wishes.

3. Requiring such an exemplar violates no constitutional protections afforded a defendant. *United States v. Dionisio*, 410 U.S. 1 (1973); *United States v. Euge*, 444 U.S. 707, 713 (1980); *United States v. Wade*, 388 U.S. 218, 221-23 (1967); *United States v. Delaplane*, 778 F.2d 570, 574-76 (10th Cir. 1985), *cert. denied*, 479 U.S. 827 (1986); *see United States v. Domina*, 784 F.2d 1361, 1371-72 (9th Cir. 1986) (live, in court voice exemplar before jury approved), *cert. denied*, 479 U.S. 1038 (1987).

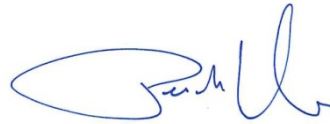
4. The Sixth Circuit in *United States v. Franks*, 511 F.2d 25, 32-33 (6th Cir.), *cert. denied*, 422 U.S. 1042, 1048 (1975) affirmed a district court Order mandating that a defendant supply a voice exemplar subsequent to indictment. Indeed, the Sixth Circuit approved the sanction of contempt where a defendant refuses to provide an exemplar at the direction of the district court. In *United States v. Mitchell*, 556 F.2d 371, 381-82 (6th Cir.), *cert. denied*, 434 U.S. 925 (1977). The Sixth Circuit, affirming the contempt finding of the district court for the defendant's refusal to provide voice exemplars, noted that it was not improper to advise the jury of the defendant's refusal to give the court ordered exemplar. *Id.*, at 382 n.7.

5. The voice exemplar sought will not be offered as testimonial or communicative evidence of what was said, but only for comparison purposes. *Delaplane*, at 575.

Wherefore, the government prays that this Court order the defendant, Paul Reid, to provide a voice exemplar at the direction of the agents and/or officers involved in this matter.

Respectfully submitted,

Rod J. Rosenstein  
United States Attorney



---

Peter M. Nothstein  
Assistant United States Attorney  
36 S. Charles Street  
Fourth Floor  
Baltimore, Maryland 21201  
(410) 209-4800  
*Submitted via CM-ECF*